UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/2001/SR.41
28 August 2001

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-sixth (extraordinary) session

SUMMARY RECORD OF THE 41st MEETING

Held at the Palais Wilson, Geneva,
on Monday, 20 August, at 3 p.m.

Chairperson: Mr. CEAUSU
(Vice-Chairperson)

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GE.01-44274 (E) 220801 280801

In the absence of Ms. Bonoan-Dandan, Mr. Ceausu, Vice-Chairperson, took the Chair.

The meeting was called to order at 3.05 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE CONVENTION (agenda item 6) (continued)

Fourth periodic report of Ukraine (continued) (E/C.12/4/Add.2, E/C.12/CA/UKR/1 and E/C.12/Q/UKR/2; HR/CESCR/NONE/2001/6)

1. At the invitation of the Chairperson, Mr. Boliubash, Ms. Markina, Mr. Pavlishin, Mr. Phrolov, Mr. Yurpolskyi and Mr. Zuhravyi (Ukraine) resumed their places at the Committee table.

Articles 6-9 of the Covenant (continued)

2. Mr. PAVLISHIN (Ukraine), referring to measures for the protection of the disabled, said that a national programme for training and hiring disabled persons had been introduced by presidential decree for the period 2001-2005. Full funding had been made available for its implementation, testifying to the importance which his Government attached to the protection of the disabled. A social assistance plan had also been adopted. In July 2001, legislation had been adopted establishing a 4 per cent quota for disabled persons in the workplace. A national centre for the vocational training and employment of the disabled was to be established with the cooperation of the International Labour Organization. A State educational and training programme was also in preparation.

3. Some 8,000 disabled persons were in employment. In 2000, around 10,000 disabled persons had been provided with wheelchairs, and 30,000 had received care in health centres. The body responsible for providing assistance to the disabled had some 700 regional centres throughout the country.

4. Mr. BOLIUBASH (Ukraine) said that there was a network of schools for disabled children, including some 400 special boarding schools funded by the State for mentally retarded children. Parents could visit their children and the children could visit their parents freely. Vocational schools, closely monitored by the Ministry of Education and Science, offered special classes in which disabled adolescents learned a trade. But in view of the many problems associated with vocational training the Ministry had recently proposed a vocational training programme to help disabled persons, particularly those in wheelchairs, gain access to education, especially at schools which had a physical layout that was not suitable for such pupils. Notwithstanding the current economic crisis, Ukraine was finding the funds to enable those children to be properly taught, clothed and fed.

5. Mr. PAVLISHIN (Ukraine), referring to a question on foreign workers, said that according to official statistics, there were 33,000 foreigners working in the country, above all in

the building and service sectors. Their rights were protected under the law. Labour legislation applied equally to foreign workers and Ukrainian citizens. In addition many Ukrainian nationals were working abroad, some of them illegally.

6. Unemployment stood at 12.7 per cent for women and 12.3 per cent for men. The difference was thus minimal. Jobs had been lost in the construction and manufacturing sectors. Women made up 58.3 per cent of the workforce in the private sector and 59.9 per cent in the public sector.

7. Replying to a question by Mr. Kouznetsov, he said that specific measures had been taken to protect women from hazardous and insalubrious work. Those measures had not yet been implemented sufficiently, but efforts were continuing. Protection of the health of women in the workplace was governed by a special chapter of the Labour Code specifying those jobs where women could not be employed. That included night-time work and the employment of pregnant women and women with children up to the age of three. The Ministry of Health had set limits for loads which women could carry and for work that would endanger their health. Private-sector compliance with those labour standards was closely monitored.

8. Mr. YURPOLSKYI (Ukraine), replying to a question concerning immigration, said that Ukraine's legislation provided for the granting of asylum. Since 1993 refugee status had been granted to 2,950 persons, including 872 children under the age of 16. Refugees had come from 47 different countries, including those of Africa and the Middle East. As of 1 July 2001, temporary humanitarian assistance had been provided to 2,697 persons who had fled Abkhazia and Georgia. In June 2001 the first centre for temporary refugees had been opened in the region of Odessa, and it was planned to open three further centres in the course of the next year.

9. In June 2001, a new legislation on refugees had been enacted in line with standards of international law. His Government was working to achieve Ukraine's accession to the 1951 Convention and 1967 Protocol relating to the Status of Refugees and improve the legal basis for regulating questions of nationality. On 15 June 2001, the President of Ukraine had signed a decree authorizing additional regulations on freedom of movement and free choice of residence, putting an end to the institution of registration at place of residence. In recent months new legislation on immigration, citizenship and refugees had been adopted and a programme to combat illegal immigration introduced. Parliament was currently considering a bill on procedures for granting asylum to foreign citizens and stateless persons. The above measures created the necessary pre-conditions for Ukraine to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

10. A question had been asked about violations of the human rights of Chechens. Since the beginning of the conflict in Chechnya, a small number of Chechens had come to Ukraine. They had been housed, and there had been no violations of their rights. More recently, however, there had been isolated cases of Chechens having been refused refugee status pending examination of the active role that they had allegedly played in the armed conflict.

11. The figures for refugees from Asia and Africa - as of 1 July 2001, a total of some 2,700 persons - were really quite low, and thus there could be no question of major violations of the human rights of persons from those regions. Much greater account was being

taken of the need to treat refugees as leniently as possible. Ukraine was taking energetic, practical steps to ensure that immigrants were duly protected in keeping with international legal standards.

12. Mr. PHROLOV (Ukraine) referred to the question of privatization. A large-scale national privatization programme was under way, and some 50 per cent of industry and more than 90 per cent of agriculture had already been privatized. A major role was being played by local self-management bodies. In 1997 Ukraine had signed the European Charter of Local Self-Government and was fully involved in implementing it. Privatization projects at regional level had drawn largely on the experience of France, giving special financial support to depressed areas.

Articles 10-12 of the Covenant

13. Mr. AHMED said that the Committee on the Rights of the Child had expressed alarm at the high rate of abandonment of children, especially newborn babies, and the lack of a comprehensive strategy to assist vulnerable families, a situation which had led to illegal international trafficking in children for adoption purposes. It had also voiced concern about the failure of legislation in Ukraine to prohibit the sale of children or guarantee the right of the child to preserve his or her identity.

14. According to the United Nations Development Programme (UNDP) Ukraine Human Development Report 1999, large families were most at risk of becoming impoverished, and there was a correlation between the number of children and the level of poverty. What were the authorities doing to rectify that state of affairs?

15. Mr. MALINVERNI asked how Ukraine's system of family allowances worked. The State party had not replied to question 27 in the list of issues (E/C.12/Q/UKR/2) on what State programmes existed or were envisaged to help families with more than three children and women bringing up children born out of wedlock. Could the Ukrainian delegation provide further details on the legislation which had entered into force on 1 April 2001 on social assistance for underprivileged families? How did the system of family allowances operate? Was it offsetting the risk of poverty for families with large numbers of children?

16. Mr. ATANGANA asked how the State party was dealing with abortions, which, according to the Committee's information, were widespread.

17. The State party had acknowledged many cases of physical assault and even premeditated murder committed by juveniles between the age of 14 to 17. What were the reasons for such crimes?

18. Ukraine had failed to answer question 31 in the list of issues, which had sought information about programmes to prepare young fathers for family life.

19. Concerning family violence, the written replies spoke of legal services for victims. What did such services entail? Were acts of family violence brought before the courts?

20. Ms. BARAHONA-RIERA said that given the high numbers of abandoned children and youngsters, some families clearly found it difficult to support children in the current economic climate. Why was there no legal obligation on divorced or separated parents to pay alimony and what was the State party doing to provide adequate allowances for such children? The report referred to a decrease in the number of children and young people in care, which did not tally with information from other sources indicating an increase in the number of abandoned children, juvenile delinquency and child prostitution. Were there fewer places available in institutions or was the Government allocating fewer resources? Was the State pension for the elderly adequate? Given the acute shortage of housing in the Ukraine, were pensioners guaranteed subsidized housing?

21. Mr. PILLAY said that according to information provided in the report by UNDP, 30 per cent of the population of the Ukraine was poor and 15 per cent lived in abject poverty. Such poverty was in part attributable to the process of economic transition, which had served to enrich only a tiny minority. Poverty affected the more vulnerable segments of the population, especially the elderly, women and children, in a variety of ways, including prostitution, abandonment and trafficking in children. Paragraph 269 of the report referred to a draft Poverty Alleviation Programme. Had it been implemented and did it focus particularly on economic, social and cultural rights? He also sought more information on cooperation with the World Bank in support of the development of poor communities.

22. Mr. SADI expressed dismay at the continuing problem of trafficking in women and young children for prostitution. The measures adopted by the State thus far were clearly not sufficient, as the problem had worsened. Despite the amendments introduced to criminal legislation, the sentences imposed for such crimes were still very light and would not serve as a deterrent. Greater efforts should be made to heighten awareness of the problem, for instance through the media. He wondered whether the problem was solely poverty-related or also attributable to the breakdown of family values. Surely the various religious leaders in the country could provide some assistance in that regard? Was there any cooperation with the Governments of the destination countries, with a view to putting an end to trafficking? How could the goals of economic development and progress be reconciled with the fact that large numbers of young people went abroad to work as prostitutes? It was an appalling situation and must be accorded the highest priority by the Government.

23. Mr. GRISSA said that according to the population breakdown given in the report women outnumbered men by almost 10 per cent. What was the reason for that? Was it a consequence of the last war? The average life expectancy of women was also considerably higher than that of men; why so?

24. With regard to health, the State party had devoted nearly 20 paragraphs in the report to the consequences of the Chernobyl disaster and only a very few paragraphs to other health problems such as HIV/AIDS, including among young people. How effective was AIDS testing in the country and was it usually carried out before entering into marriage? He would welcome information on the effects of alcoholism - a serious problem in most Eastern European countries - of which there was no mention in the report.

25. Mr. MARTYNOV said that there were some discrepancies between the information regarding the homeless contained in paragraph 252 of the report and in the written replies. He sought clarification of whether there had been an increase or decrease in numbers, as well as of the effects of the comprehensive measures to prevent homelessness and delinquency among children and teenagers under Presidential Decree No. 200 of 18 March 1998, referred to in paragraph 254 of the report.

26. How did the delegation view the overall situation of the health-care system? What were the effects of the transition towards private medicine? How was quality of service monitored? What percentage of the State budget had been allocated to public health in recent years?

27. Mr. HUNT asked the delegation to provide data on the numbers of women who were victims of international trafficking. Was there a national plan of action for human rights in Ukraine? Did the Office of the Ombudsman have regional branches?

28. Mr. CEAUSU said that according to paragraphs 245 to 248 of the report a very large number of families had benefited in recent years from State subsidies to cover fuel and heating costs. Surely such measures merely served to increase citizens' dependency on the State welfare system? Given the cost of such subsidy programmes and the fact that to allocate funds to the programmes the State had cut salaries and pensions, might it not be preferable to dispense with such programmes and increase minimum wages and State pensions so that citizens could pay their fuel bills themselves?

29. In response to No. 32 on the list of issues, reference was made in the written replies to a draft State policy on alcohol and drugs. Perhaps it could be extended to cover smoking too? As a further measure to combat alcoholism and smoking, the Government might also consider the prohibition of media advertising for alcohol and tobacco. According to the information in the report there were now fewer youngsters in care. Was that because of a decrease in juvenile delinquency or a new policy?

30. He asked whether statistics existed on the numbers of houses built by private companies and individuals in rural and urban areas. He would also welcome information on the number of secondary residences, given the boom in the construction of holiday homes in other Eastern European countries and the difficulty the Government had in funding public housing. Also, was provision made for the demolition of private homes built without proper planning permission?

31. Ms. MARKINA (Ukraine) said that a national plan of action for human rights adopted in 1995 had provided the basis for Ukraine's ratification of the European Convention on Human Rights. A new plan of action had been under consideration since 2000 for which the Office of the High Commissioner for Human Rights would provide financial assistance. It was hoped that work would get under way on the plan by the end of 2001 or early in 2002. The question of Ukraine's accession to the Optional Protocol to the Covenant was currently being examined by the relevant Government departments.

32. Mr. YURPOLSKYI (Ukraine), responding to the many questions regarding the status of women, said that Ukraine was already implementing a national action plan for the advancement of women and greater gender equality. A presidential decree had been adopted on additional

measures to protect women and to strengthen relevant legislation with a view to Ukraine's accession to the United Nations Convention Against Transnational Organized Crime. The Ukrainian Ministry of the Interior had also examined the Protocol against Trafficking in Persons with a view to amending national legislation. The new Ukrainian Criminal Code covered a wide range of offences against women: illegal abortion and forcing women to abort; infection with the HIV/AIDS virus, especially of medical staff; rape and forcing women into sexual relations; and trafficking in persons.

33. He confirmed that article 110 of the new Criminal Code made a person responsible for involving another in prostitution liable for prosecution. However, the former Criminal Code had also provided for criminal responsibility for such acts.

34. New draft legislation on domestic violence laid down the legal and organizational bases for the prevention and punishment of such violence, with due regard for the legitimate interests of different family members. It also provided for the monitoring of activities by official bodies responsible for investigating cases and assisting victims, and for the first time gave a legal definition of physical, sexual and psychological violence.

35. Work was also under way on draft legislation to ensure that social and economic policies took the needs of women into account, for instance in the labour market and access to health care. An effort was being made to improve the overall environment for Ukrainian citizens, with special emphasis on the family, and to promote greater awareness of the rights of women.

36. Alcoholism did not pose a major problem in the Ukraine; its citizens did not drink more than those of other countries. Homelessness, especially among young people, had been a serious problem some five years earlier as a direct consequence of the reform process. However, it was no longer a cause for concern.

37. The European Union had provided financial support for a major project to assist the Ukrainian authorities in combating the very complex and broad-ranging problem of trafficking in women. One of the key aspects of the project was to provide support to relevant government departments. An interdepartmental coordination committee had already been set up for that purpose.

38. He would provide figures on the number of women who were victims of international trafficking. A series of bilateral agreements, in particular, with Greece, Israel and the United Arab Emirates, had been drawn up to protect the women concerned. The Government of Ukraine was well aware of the problem of the trade in human beings and was making every effort to put a stop to it. Mr. Hunt had asked whether there were regional offices of the Ombudsman. In fact, regional offices not only existed but were particularly active. The chief Ombudsman had outlined their activities in her recent report, the Office of the Ombudsman, although a new institution, was functioning effectively.

39. Mr. PAVLISHIN (Ukraine), responding to questions on housing, said that in the past, 95 to 100 per cent of residential construction had been undertaken by the State. With changes in property laws and the right to ownership, that proportion had fallen substantially and

private sector involvement was increasing, particularly as a result of increased access to credit. For example, young couples could get loans to buy their own homes. The private sector was largely responsible for the repair and renovation of second homes in rural areas.

40. With regard to the impact of subsidies, the Government was not yet in a position to increase wages and pensions to levels that would obviate the need for widespread subsidies to assist the poorest segments of the population. Pensions currently represented a third of the last year of earned income. For the time being, therefore, subsidies would have to continue. Families comprising a single wage-earner with elderly dependants or children were particularly vulnerable. In future, an attempt would be made to take account of average income as a basis for granting subsidies. The informal sector was thriving, and many people who were officially unemployed - or even officially employed - worked in the informal sector, thereby evading tax. In determining subsidy levels the Government was therefore trying to take account of real income, including informal sector earnings.

41. The country faced great challenges. Some 17 million people still lived in inadequate housing, and many families - particularly families with a large number of children or single-parent families - suffered financial hardship. But recent policy changes had led to improvements.

42. The need for extra income was a factor explaining the numbers of Ukrainians working abroad. The Government was taking steps to protect those migrant workers, especially women. Bilateral agreements covering social welfare, standards of living and wage rates were being negotiated with Greece, Portugal, Spain and Turkey. An agreement had already been concluded with the Czech Republic, host to a large number of Ukrainian citizens, and an agreement with Bulgaria was on the point of being concluded.

43. Mr. BOLIUBASH (Ukraine) said that the status of mothers and children was of particular concern. The impact of poverty was seen, not only in inadequate nutrition and deteriorating maternal and child health, but also in the very fabric of society. Illegal adoptions had made the headlines a few years ago. In order to prevent abuses, the Government was setting up programmes for young parents in the art of parenting. In the past, three or four generations had lived together in the same household, and traditional family values had been passed on from one generation to the next. Now, children did not live with their parents or grandparents. The State was trying to compensate for the lack of family values through education. A teacher training programme had been established to equip teachers with the social and psychological skills needed to support families. The views expressed by the Committee at the current meeting would give an impetus to such efforts.

44. Programmes had been established to control alcohol, tobacco and psychotropic drug use. Healthy living was taught in schools, and the syllabus included education in the dangers of alcohol, drugs and tobacco as part of a comprehensive effort to provide primary prevention. Smoking was prohibited in schools.

45. Regarding the role of religion, for many years Ukraine had been an atheist country, but the Church was once again beginning to assert its influence. The Pope had recently visited the country and held meetings with young people.

46. Despite family assistance, allowances for orphans and disabled children, and an increasing number of summer camps, there were serious problems among the young. Many young people took drugs and there was a high level of juvenile delinquency. Almost 8 per cent of all convictions were of juveniles. In order to contain that problem, efforts were being made to train specialized social workers. At present orphans lived and studied within the same institution. The new thinking was that there should be separate residential and educational establishments. In general, the welfare of young people was a matter of great concern.

47. Mr. PAVLISHIN (Ukraine), responding to questions raised by Mr. Pillay, said that the Government had made the alleviation of poverty a high priority. Efforts were being made to increase incomes, in particular by establishing a minimum wage and by protecting purchasing power through the indexing of incomes to take account of inflation. Another approach was to reduce unemployment and increase unemployment benefit. Within a year it was planned to raise unemployment benefit from one third to over half the minimum wage.

48. There were more than 4 million old-age pensioners in the Ukraine, representing around 290 pensioners per 1,000 members of the population. Unemployment benefits, family allowances and other social expenditure placed a heavy burden on wage earners. The social insurance system was being reformed, but it was difficult to make improvements in the short term. The intention was to extend coverage to such areas as occupational accidents and diseases, maternity leave and health insurance. In the past, social security had been entirely State run. Currently, social security was managed jointly by Government, employers and trade unions. Figures on social security coverage and AIDS and HIV testing would be provided in writing.

49. Mr. GRISSA asked for clarification of the parliamentary structure and, in particular, whether the Supreme Soviet still existed.

50. Mr. RATTRAY asked whether pensioners were better off under the current social security system than they had been under the previous regime.

51. Mr. YURPOLSKYI (Ukraine) said that the supreme legislative body was the Supreme Council, or Soviet. Although the Supreme Council was colloquially referred to as the parliament, it in fact had more extensive powers, as it combined legislative and executive power.

52. Mr. PAVLISHIN (Ukraine) said that quality of life included ethical as well as material aspects. Democracy had immense value. From a purely material standpoint, however, pensioners were worse off than under the previous regime, as pensions had not kept pace with increases in the cost of living. Nevertheless, reforms were under way, the pension fund was being put on a sound financial footing and debts were being paid off. Pensions would gradually rise and the standard of living of pensioners would improve.

Articles 13-15 of the Covenant

53. Mr. HUNT requested information on issue 39 regarding the right to education.

54. Mr. MARCHÁN ROMERO, referring to the intellectual property regime, under article 15 of the Covenant, noted that the State party intended to reform articles 136 and 137 of the Criminal Code, and asked what measures the authorities would take to ensure that the benefits of science and technology programmes were available to the general population.

55. Mr. GRISSA asked what the term "postgraduate" denoted in Ukraine, since the State party had claimed that there were 2.6 million postgraduates, three times as many as the number of undergraduates.

56. Mr. THAPALIA observed that the deterioration in educational standards had resulted in mounting illiteracy. What steps was the Government taking to improve a situation in which poor children frequently dropped out of school and teachers often went on strike? And what measures were in place to ensure that all refugee children had access to education?

57. Mr. WIMER ZAMBRANO asked what the State party was doing to encourage the cultural values of the country's various ethnic groups and preserve and disseminate their culture and language.

58. Mr. SADI asked why the quality of education had so greatly deteriorated under the new regime. Was the State party familiar with the Committee's General Comments Nos. 11 and 13 on the right to education? Would it consider applying them as the criteria for improving educational services? Could the delegation say whether the downward trend in science and technology education occasioned by the poor remuneration of scientific work and by the migration of scientists to other countries was being reversed?

59. The CHAIRPERSON, speaking as a member of the Committee, asked, with reference to article 13, whether associations of national minorities could establish private primary and secondary schools, since religious organizations were not authorized to do so. Also, how did teachers' remuneration compare with that of other civil servants, such as police officers and judges. With reference to article 15, could books and newspapers be imported freely into Ukraine or were there certain criteria to be met?

60. Mr. BOLIUBASH (Ukraine), replying to Mr. Grissa's question concerning the large number of postgraduates, said that they included students following refresher courses, as well as those engaged in postgraduate work. Pre-school education was completely free and primary and secondary education was free and compulsory. Although vocational training and higher education were also free, entrance was based on competitive examinations, owing to the shortage of places. There had been a single education system in the pre-independence era. Subsequently, with the enactment of the Education Act, higher education had been overhauled, with new regimes of monitoring, licensing and accreditation of its institutions. In addition, with the division of secondary schools into gymnasia, lycées and the like, the more demanding criteria had resulted in a drain on teaching staff. From a sociological standpoint, while education might be poorer than it had been under the Soviet system, there had been a considerable improvement in the standards that had obtained during the transition period.

61. The Ukrainian higher education system was short of graduates in disciplines such as new information technologies, in which the country lagged behind. The reasons for the departure of

many Ukrainian scientists were economic, but the authorities were endeavouring to improve academics' remuneration and pensions, which had already been doubled in 2001, while teachers' salaries would rise by 15 per cent in September 2001. The migration of scientists could not really be described as a "brain drain" at the doctorate level, for instance, and interest in higher education had not declined.

62. Since independence, the Government had been doing its utmost to protect minority cultures and had preserved a number of cultural monuments. Private schools were recognized under Ukrainian legislation, and the number of private secondary and higher education institutions had more than doubled between 1999 and 2001. Religion and education were kept separate under the Education Act, although basic theology could be taught in Sunday schools.

63. Mr. PAVLISHIN (Ukraine) said the average monthly remuneration of teachers in June 2001 had been 256 hryvna (HRV) or US$ 50, higher than the average for some other professions, but lower than that for industry, which stood at HRV 414. State employees, including teachers, had availed themselves of the provisions of the new 1999 law governing industrial relations to go on strike, as a result of which there had been two recent increases in teachers' salaries.

64. Mr. BOLIUBASH (Ukraine) said his country had lost ground in the quality of education during the transition period, but was doing its best to raise the level. Negotiations were under way with the international community in an endeavour to bring legislation into line with European Standards; Ukraine had signed agreements with 55 countries. It had devised a national strategic plan for comprehensive reform, which would shortly be considered by a congress of Ukrainian teachers. The reform of secondary education, aimed at making it more pupil-centred, had begun in 2000, and even in rural areas the Government was introducing information technology in schools. While the situation was not yet fully satisfactory, considerable progress had been made.

65. Mr. ZUHRAVYI (Ukraine), replying to a question by Mr. Wimer Zambrano, said the authorities assigned high priority to multicultural and multi-ethnic life. National minorities were represented on interdepartmental and intergovernmental committees, which conferred with their counterparts in Hungary, Slovakia and the Czech Republic. They were also involved in national decision-making concerning their cultural heritage. Despite the Government's scant success in securing funding for such activities, a special allocation was being made for national culture in the 2002 budget.

66. The country comprised 130 ethnic groups, which had lived together for centuries, and the Government's multicultural approach was a priority under State policy. It had created in the Office of the President an advisory committee on minorities in an effort to find acceptable solutions to the problems affecting them. Legislation and other regulations governing cultural freedom had been adopted, and ethnic minorities enjoyed the same rights to cultural life as other segments of the population.

67. There was an integrated set of measures for 2001 to promote cultural life by helping ethnic minorities organize cultural festivities and arrange meetings with people from their respective diasporas. The situation could not change overnight, but a new programme,

scheduled to be implemented until 2005, was being formulated to protect the cultural and linguistic traditions of minorities. Various associations within the secondary-school system helped to preserve minority languages, in which there were over 100 books and publications. Promotion of those languages was not a purely centralized matter, but included practical work in the regions. Over the previous two years various national minority organizations had held congresses and formulated recommendations, and had sent representatives to a recent conference in Yalta.

68. Mr. BOLIUBASH (Ukraine) said problems relating to intellectual property were being gradually resolved. A special department for intellectual property had been established in the Ministry of Education and Science, and the Institute of Computer Information Technology promoted access to information for all. Some 10 laws had been enacted and others amended.

69. Mr. PAVLISHIN (Ukraine) said his delegation would transmit in writing to the Committee the replies to any unanswered questions. He thanked the members for their condolences in connection with the recent coal-mining tragedy that had resulted in loss of life, and for their courteous dialogue with the delegation. He requested that the delegation's introductory statement, which had not been delivered in full because of time constraints, be taken into account in the formulation of the Committee' s concluding observations, which, he promised, would be given every consideration during the preparation of the fifth periodic report.

70. The CHAIRPERSON thanked the delegation for the goodwill it had displayed and for the openness of its discussion with the Committee.

The meeting rose at 6 p.m.

UNITED
NATIONS

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Economic and Social
Council

Distr.
GENERAL

E/C.12/2001/SR.42
18 September 2001

ENGLISH
Original: FRENCH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-sixth (extraordinary) session

SUMMARY RECORD OF THE 42nd MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 21 August 2001, at 10 a.m.

Chairperson: Ms. BONOAN-DANDAN

CONTENTS

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (continued)

Second periodic report of Japan

This record is subject to correction.

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GE.01-44297 (E) 140901 180901

The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Second periodic report of Japan (E/1990/6/Add.21 and Corr.1; E/C.12/CA/JAP/1; E/C.12/2001/NGO/2-4; HRI/CORE/1/Add.111; written replies to the list of issues prepared by the Government of Japan (document without a symbol))

1. At the invitation of the Chairperson, the members of the delegation of Japan took places at the Committee table.

2. The CHAIRPERSON welcomed, on behalf of the Committee, the members of the Japanese delegation and invited the Permanent Representative of Japan to take the floor.

3. Mr. HARAGUCHI (Japan) said that since the submission of his country's initial reports (E/1982/3/Add.7, E/1984/6/Add.6 and E/1986/3/Add.4) in the early 1980s, Japanese society had undergone profound change, characterized by a lower fertility rate, the rapid ageing of the population and economic stagnation. In response to the challenges represented by such developments, the Government had endeavoured, with some degree of success, to promote human rights in all spheres, including by ensuring equality between men and women and establishing a new appeals procedure in case of human rights violations. With regard to the claim for compensation brought by sufferers from Hansen's disease, the Prime Minister had delivered an apology on behalf of the Government and expressed its sincere regret, and had acknowledged that the isolation policy followed thus far had caused those affected serious harm. That unhappy affair showed how, in seeking to promote social security, it was possible to commit an inadvertent human rights violation. In any event, his Government spared no effort to promote implementation of the rights set forth in the Covenant, although some improvement was still needed. Non-governmental organizations (NGOs) had an important role to play in that regard, and, for that reason, in January and July 2001 the Government had consulted NGOs and sought their views. The contribution of members of the Committee was also of great importance, and his delegation hoped that the constructive dialogue which it trusted would ensue would help it to further implement the provisions of the Covenant.

4. Mr. IZUMI (Japan) added that on 11 May 2001 the so-called Hansen's disease affair had concluded with a court decision on compensation for those concerned. The Government, wishing to see a speedy resolution of the problem, had decided not to appeal, and an advisory committee comprising patients and Health Ministry representatives had met on three occasions since June 2001 to determine what steps to take to provide health care to sufferers from the disease and to promote their social reintegration as well as to assist members of their families.

5. Government figures indicated that in October 1999 there had been a total of 20,451 homeless people. A liaison group bringing together representatives of the Government and municipalities had been entrusted with taking measures for the protection of the homeless,

in particular in the fields of health, employment and housing. The measures differed from case to case, depending on whether, for example, the homeless were long-term unemployed or, perhaps, hostile to socialization. With respect to human rights violations, several steps had been taken within the framework of the competent State organs to make appropriate appeals mechanisms available to victims. Thus, the Council for Human Rights Promotion, established in 1997 within the Ministry of Justice, had conducted an investigation pursuant to which it had recommended the creation of a new appeals system under a human rights commission that was genuinely independent of the executive. The Government had noted the recommendation and decided to implement it.

6. The CHAIRPERSON invited the members of the Committee to put questions on the implementation of the Covenant in general.

7. Mr. PILLAY asked whether the provisions of the Covenant were taken into account by the State party when it adopted legislative or administrative measures. Were they directly applicable or was specific legislation necessary to prohibit, for example, the discrimination aimed at by article 2, paragraph 2, of the Covenant? Review of judicial precedent as it applied to certain rights gave the impression that judges were unaware that Japan, in ratifying the Covenant, had entered into obligations from which there was no derogation and which must be interpreted as having precedence over constitutional provisions. Given that, the delegation might wish to admit that there was a need for information campaigns to make judges and prosecutors more aware of the Covenant's provisions.

8. Mr. MALINVERNI, agreeing, said that the State party's judicial authorities seemed to place a very restrictive construction on the provisions of the Covenant from the standpoint of Japanese legislation and not the other way around. In so doing, they applied two concepts: allowing the legislator latitude to place restrictions on rights, and the concept of reasonable discrimination, which undermined the absolute character of the principle of non-discrimination. Further, according to three judgements by the Japanese Supreme Court in 2001, the provisions of the Covenant did not enjoy constitutional status. It also appeared that Japan had not accepted any of the systems of individual communications established by the Human Rights Committee, the Committee against Torture and the Committee on the Elimination of Racial Discrimination. The pretext given was that accepting the competence of those bodies to receive communications would contravene the principle of the independence of Japanese courts. In that connection he asked what the position of the Japanese Government was regarding accession to an optional protocol to the Covenant.

9. Mr. HUNT asked why the Japanese Government had no plans to formulate a national plan of action on human rights, as recommended in paragraph 71 of the 1993 Vienna Declaration and Programme of Action. He noted that Japan had no national agency for human rights in accordance with the 1991 Paris Principles, although a somewhat similar body seemed to be envisaged according to the May 2001 report of the Council for Human Rights Promotion. He asked for clarification. The mandate of any such body must encompass economic, social and cultural rights. He also asked how the Government ensured that the provisions of the Covenant were taken into account in domestic policy decisions.

10. Turning to international cooperation, he congratulated Japan on its position as primary donor among the members of the Development Aid Committee. He asked what percentage of gross national product (GNP) was devoted to official development assistance (ODA). United Nations Development Programme (UNDP) information indicated that the 1997 figure had been 0.22 per cent, and he asked what the current figure was. Lastly, he asked whether, in reviewing policy at the World Bank, the International Monetary Fund and the World Trade Organization, the representatives of the State party took account of the obligations arising under the Covenant for both the State party and recipients of Japanese aid.

11. Mr. CEAUSU noted that in the State party's written replies reference had been made to the case of a foreign national whose application for welfare had been turned down on the pretext that the Covenant allowed a degree of discrimination on the basis of reasonable cause. That interpretation was highly debatable, and it appeared clear that in fact a decision should be based solely on the financial situation of the applicant. Regarding implementation of the provisions of article 7 (d) of the Covenant, the delegation had explained that it reserved the right not to be bound by the provision on "remuneration for public holidays", citing the lack of a consensus thereon in Japanese society. Yet the exercise of social rights did not always require consensus within society, and it was for the Government to guide public opinion and require employers to observe the provisions of article 7 of the Covenant.

12. Mr. SADI said that the manner in which Japan, as an economic super-Power, interpreted and implemented the provisions of the Covenant would necessarily have an impact in neighbouring countries. The position of the Japanese Government that only national legislation and constitutional provisions, and not the Covenant, could be cited before the courts was thus to be deplored. He asked what follow-up had been given to the Committee's recommendations pursuant to its consideration of the State party's initial report.

13. Mr. GRISSA asked for clarification of paragraphs 69 and 70 of the core document. Paragraph 69 stated that human rights treaties ratified by Japan had legal effects as part of its internal law, whereas paragraph 70 stated that whether or not to apply directly provisions of treaties should be judged in each specific situation, which meant, in his view, on the basis of a necessarily arbitrary interpretation.

14. Mr. RATTRAY said that he trusted that the State party would review its position on the direct application of the Covenant under its internal law. With respect to maintenance of the reservation to article 13, paragraph 2, of the Covenant, which dealt with the provision of free secondary education, he asked the delegation if it could give an assurance that no pupil would be refused admission to a secondary school because his or her parents could not pay school fees. He requested information on the scholarship programme. Lastly he asked whether, before taking decisions on housing and health, the Government took into account the potential impact on human rights.

15. Mr. IZUMI (Japan) said that the Covenant was not merely a political programme, but had legal effects as an element of internal law. While the Government was not contemplating making it directly applicable, it ensured that decisions taken did not violate the commitments

entered into under the Covenant. He noted that article 2 of the Covenant provided for the progressive realization of all the rights enunciated, and that some of those rights were already guaranteed under national legislation.

16. On equality, he said that the Constitution did not guarantee absolute equality. Discrimination could be tolerated provided it had a logical basis. The optional protocol to the Covenant would provide an appropriate means of implementing its provisions. The Government must, nevertheless, consider what problems might arise, including the impact on its judicial system of potential appeals to international authorities.

17. Regarding remuneration for public holidays, he said that it was not for the Government to decide the issue, which was the subject of negotiation between workers and employers. The Government might, however, alter its position if a consensus to that effect emerged within society.

18. Mr. INOUE (Japan) said that lower secondary education was free. However, in the case of higher secondary education, as well as higher education, parents were expected to make a financial contribution. He did not think it necessary to make such education free, and thus to withdraw the reservation to article 13, paragraph 2, of the Covenant, as the current system worked satisfactorily. On the other hand the State party would continue to take measures to provide more help to pupils whose parents could not afford to pay for their studies, in particular through the development of the scholarship programme.

19. Mr. MORIMOTO (Japan) said that judges, prosecutors and lawyers all received the same training before they specialized. Courses on international human rights treaties in particular were given to them.

20. Mr. SAKAI (Japan) said that the provisions of the Covenant were taken into account in policy formulation. There was no need to promulgate new legislation to protect rights that were already fully guaranteed under the Constitution and national legislation.

21. Regarding official development assistance, the Government was endeavouring to attain the objective established by the United Nations, namely 0.7 per cent of gross national product. In 2000 Japanese official development assistance had represented 0.27 per cent of GNP. Much of that aid had been devoted to the realization of economic, social and cultural rights. The Government took the protection of human rights fully into account in ODA projects.

22. The Council for Human Rights Promotion, established in 1997, had recommended the establishment by the Government of an independent body within the executive to look into human rights violations, play a mediation role, counsel victims and take part in prosecutions. Nevertheless the State party did not exclude legislative action in that area.

23. Mr. KAWAI (Japan) said that it was not necessary to formulate a national plan of action on human rights as the authorities had already taken appropriate measures. The Government would, of course, continue to promote respect for all such rights. The provisions of the Covenant

were taken into account in housing policy. The Government provided generous subsidies for the construction of low-income housing and took steps to assist disadvantaged and vulnerable groups, in particular the elderly and the handicapped.

Articles 1-5 of the Covenant

24. Ms. BARAHONA-RIERA noted that Japan had a high level of human development, but that Japanese women were not full participants at the decision-making level in politics and business. She asked for information on the impact of the Plan for Gender Equality and whether sanctions were provided for in the event of discrimination in remuneration and promotion as well as harassment in the workplace. She asked whether the Government was taking measures to enable women to accede to elective political positions and whether there was a quota system. She also requested information on the patrimonial rights of women, in particular with regard to succession, whether of assets acquired during marriage or their division in the event of divorce. What responsibilities did men and women have for the maintenance of children in marriage and in the event of divorce? Lastly, she asked whether the Government intended to acknowledge its historical responsibility towards women exploited as sex slaves in the Second World War.

25. Mr. AHMED said that he shared the concern of members of the Committee at the discrimination suffered by certain vulnerable groups, namely the Buraku, Ainu and Kyukyu peoples - who had to tolerate the presence of foreign troops, and by Koreans and other foreign residents, as well as by Japanese repatriated from China. He called on the Government to put an end to all cases of discrimination by bringing about a genuine human rights revolution.

26. Mr. WIMER ZAMBRANO said that it was surprising that Japan, one of the most active States in terms of international cooperation to promote human rights, had not ratified 8 of the 16 ILO conventions on economic, social and cultural rights. He asked why that was so and why the Government had not succeeded in putting an end to the various kinds of discrimination of which certain population groups were victims.

27. Mr. THAPALIA, noting that women represented 32 per cent of the unskilled labour force but only 4 per cent of senior management, asked what steps had been taken by the Government to combat gender-based discrimination. He also asked for further details of discrimination against refugees, in particular the difficulties that refugees had in securing the right of asylum.

28. Mr. MALINVERNI asked for information on discrimination against the handicapped and on the steps taken by the Government to integrate them into the labour force, given that only 250,000 handicapped persons out of a total of 5.7 million had a job. He also asked for clarification of the status of Koreans in terms of education, as several sources indicated that certain Korean schools were not recognized by the Ministry of Education and the qualifications that they awarded did not allow university entry.

29. Mr. CEAUSU said that several NGOs had informed the Committee that the 639,000 Koreans resident in Japan were victims of discrimination as they did not have Japanese nationality, and that it was very difficult for them to acquire citizenship. Could the delegation

provide information on the status of the Korean community? He was of the view that it was time for Japan to reconcile itself with its history and treat the Koreans living in the country properly by granting them the same rights as those enjoyed by Japanese citizens.

30. Mr. SAID asked whether, regarding equality of the sexes, Japan drew any distinction between economic, social and cultural rights and civil and political rights. He asked whether programmes existed for minority groups. The concept of reasonable discrimination ran counter to human rights jurisprudence, in view of which he asked whether the Government intended to reconsider its position on the question.

31. Mr. GRISSA welcomed the inclusion by Japan in its second periodic report (E/1990/6/Add.21) of a comprehensive list of legislation prohibiting discrimination, but asked what the real situation was. It must be noted that several significant inequalities existed between men and women. For example, only 28 per cent of girls pursued university studies, a very low figure for a country as wealthy as Japan. He asked what the Government was doing to combat discrimination.

32. Mr. TEXIER asked why Japan had ratified the 1951 Convention and 1967 Protocol relating to the Status of Refugees, but neither the 1954 Convention relating to the Status of Stateless Persons or the 1961 Convention on the Reduction of Statelessness. Regarding refugees, of whom there were few in Japan, a different status was accorded depending on whether refugees came from southern Asia or elsewhere. He asked what the reason was, and whether the Government contemplated according the same status to all refugees irrespective of country of origin.

33. Mr. IZUMI (Japan) said that Japan spared no effort to guarantee equality of rights between Japanese and foreigners. Nationality criteria embracing various spheres (housing, social security, employment) had been abolished, so that the same provisions applied across the board. The Government had also taken steps to investigate violations which Koreans were alleged to have suffered. As for minority groups such as the Aina and Buraku (Dowa), several programmes had been established to improve living conditions and to reduce inequality between those groups and the remainder of the Japanese population. Visible results had been obtained: improvement in housing conditions, creation of jobs and strengthening of social protection. He noted that the inhabitants of Okinawa enjoyed the same rights as other Japanese. The difficulties that they encountered, including freedom of movement, were related solely to the heavy concentration of United States military bases on the territory of Okinawa. The Government had adopted three reclamation and development plans which should help to lessen the problems faced by the inhabitants of the territory.

34. Mr. TSUNAKI (Japan), representing the Gender Equality Bureau, acknowledged that there was inadequate participation by women in all segments of society. The Government intended to collect and issue data twice yearly on the number of women in government and private enterprise, then draw a comparison and recruit more women if their numbers were too low. Each ministry was, moreover, required to establish specific targets in that regard. Increased participation by women in public life was also among the main objectives of the plan adopted by the Government in December 2000. A committee on gender equality had been

established to evaluate the results of the policies and measures adopted by the Government. With regard to violence against women, a national campaign had been launched in April 2001 to increase awareness of the problem and new legislation targeted conjugal violence.

35. Ms. ASADA (Japan) said that, among other relevant provisions, the Revised Equal Employment Opportunity Law prohibited all discrimination against women in recruitment, appointment, assignment and promotion; it established a system whereby the names of employers not observing the law were made public, and provided for mediation between employers and women who thought themselves victims of discrimination. A number of offices throughout the country ensured that personnel management respected the law. To date, female employees and employers had submitted more than 20,000 queries relating to problems in connection with implementation of the law, of which 8,600 related to allegations of sexual harassment. The Government offered advice to enterprises on all questions relating to sexual harassment.

36. The Government advised and supported employers seeking to take specific steps to eliminate unequal treatment of men and women. There was still a significant salary gap between men and women, but it was gradually being reduced. It was explained in part by the fact that men and women had traditionally not held the same jobs, that the classification of those jobs was different and that women worked for shorter periods. The implementation of the new Revised Equal Employment Opportunity Law should improve matters. Incentives had been put in place to encourage women to take jobs thus far restricted to men and to extend the length of their careers.

37. Mr. MORIMOTO (Japan) said that before 1990 the surviving spouse inherited one third of the couple's goods, compared with one half today, the other half going to the children. In the event of divorce, couples had an opportunity to reach an amicable settlement and to decide questions relating to custody and payment of alimony for themselves. They could also refer such questions to a judge for a ruling.

38. Mr. AOKI (Japan) said that 97.7 per cent of girls had attended school in 2000 compared with 96.3 per cent of boys. There was still a gap between girls and boys in higher education, but it was closing. In school textbooks education officials were endeavouring to portray working women exercising a profession together with men engaged in household and family work.

39. Mr. IZUMI (Japan) said that the presence in the delegation of women holding high-level positions bore witness to the professional development of women. Responding to a question on "comfort women", he stated that the Prime Minister of Japan had sent a letter to each of them in which he had expressed his regret and remorse at the grave affronts they had suffered to their dignity, honour and feelings. It was intended to establish a compensation fund for them.

40. Mr. SAITO (Japan) said, regarding orphans abandoned in China, that those who returned to Japan were given installation assistance as well as counselling and vocational training.

41. Mr. INOUE (Japan), speaking on Korean schools, said that all State schools providing compulsory education accepted foreigners as well as Japanese, including Korean children who wished to attend. Foreign pupils received, in common with Japanese pupils, free education and

textbooks. Those who did not wish to attend a Japanese school could attend other schools; there were Korean schools, and also American and German schools. In general, foreign community schools were not recognized by the State, not because the pupils were of foreign origin, but because those schools did not apply government educational standards. The situation was the same in many countries in the world. In Japan as elsewhere, pupils at private or foreign schools that did not follow the national education curriculum must pass an entrance examination if they wished to enrol in an institution of higher education. Pupils at Korean schools were not discriminated against on the basis of their nationality.

42. Mr. MORIMOTO (Japan) said that Koreans could be naturalized if they fulfilled the necessary conditions. Those who did not wish to be naturalized had enjoyed a special residence status since 1991.

43. Mr. SAITO (Japan) said that there were incentives to encourage employment of the handicapped. Employers were obliged to hire a percentage of handicapped persons, representing at least 1.8 per cent of their staff, or pay a tax used to fund measures for the handicapped. Handicapped children were catered to by special institutions. OECD statistics indicated that approximately 2.4 per cent of children attended such institutions, a relatively low figure in comparison with other countries. The authorities made every effort to promote the development of handicapped children, adapt the content of education to their specific needs and encourage contacts with other children.

44. Ms. AOKI (Japan) said that the principle of non-discrimination set forth in article 2 of the Covenant was provided for by article 14 (i) of the Japanese constitution.

45. Mr. MORIMOTO (Japan) said that all refugees were treated equally without any discrimination on the basis of nationality. Their situation and the granting of refugee status were consistent with the relevant international agreements. One reason why Japan had not yet acceded to certain ILO conventions was incompatibility between the content of the conventions and national legislation. His delegation would provide more specific responses in due course.

46. Mr. SADI asked whether the letter of apology sent by the Japanese Prime Minister to the "comfort women" marked an end to the question, or whether other steps were contemplated. He noted that the legislation providing for special treatment for the Buraku was due to lapse in 2002, and asked whether the Government intended to extend it.

47. Mr. WIMER ZAMBRANO said that the Japanese authorities had estimated the Korean population at some 50,000 individuals, whereas other sources gave a figure of 690,000. He requested clarification.

48. Mr. GRISSA asked whether the Japanese Government intended to pay compensation to the "comfort women".

49. The CHAIRPERSON, speaking as a member of the Committee, asked whether the Asian Women's Fund would be funded by the State or privately. She noted that the Japanese authorities had been requested to open the national archives to reveal the full truth about how the

system of "comfort women" had operated, and also to make reference to that form of sexual slavery in school textbooks so that it should not be forgotten and would never recur; she asked whether the Government intended to respond to those demands.

50. Speaking as Chairperson, she invited the members of the Committee to put questions on the implementation of articles 6 to 9 of the Covenant.

Articles 6-9 of the Covenant

51. Mr. KOUZNETSOV asked for clarification of the words "public employees" and their number. He was surprised to read in paragraph 48 of the report that such employees, except for those working in government enterprises, could not conclude labour agreements on conditions of employment, including salaries. Further, table 6 (E/1990/6/Add.21, para. 50) indicated that there were several ways to establish a minimum wage: the Ministry of Labour or the Director of the Prefectural Labour Standards Office could establish a minimum regional wage or a minimum wage by industry; equally, a regional minimum wage could be set on the basis of collective agreements. He wondered whether those different methods of determining wages conflicted. Table 6 also indicated that the Director of the Prefectural Labour Standards Office had established a minimum wage for 251 types of employment, which seemed excessive.

52. Further, paragraph 51 of the report indicated that unskilled workers could be excluded from the minimum wage regime on the authority of the Director of the Prefectural Labour Standards Office. Did that mean that those exercising unskilled jobs did not necessarily receive the minimum wage? He was also concerned about paragraph 77 of the report, which stated that annual paid holidays were not likely to be taken fully since workers tended to save their holidays in case of emergencies such as sickness. Was it to be understood that sickness was considered an emergency and that sick days were not paid?

53. Mr. MARTYNOV said that he shared the concern expressed by Mr. Malinverni at the situation of the handicapped. It seemed that their rights, in particular the right to employment, were not properly protected and that employers hired fewer handicapped persons than recommended by law. It also seemed that there was no legislation on discrimination against the handicapped.

54. Regarding implementation of article 9 of the Covenant, certain sources indicated that around half of all handicapped persons received no allowance, and he asked whether that was so. Further, there seemed to be no minimum old-age pension. If that was so, did the Government intend to establish such an allowance? Was the level of retirement pensions adequate to ensure a decent standard of living? The retirement system was rather complex. The step taken in 1996 to reduce the fixed element of the pension seemed to introduce inequality between men and women. It also seemed that the percentage of national income that Japan spent on social security allowances was half of the equivalent percentage in France and Germany. He asked whether it was the intention of the Government to maintain expenditure on social insurance at that level.

The meeting rose at 1 p.m.

UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/C.12/2001/SR.43
27 August 2001

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Twenty-sixth (extraordinary) session

SUMMARY RECORD OF THE 43rd MEETING

Held at the Palais Wilson, Geneva,
on Tuesday, 21 August 2001, at 3 p.m.

Chairperson: Ms. BONOAN-DANDAN

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Second periodic report of Japan (continued)

This record is subject to correction.

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Any corrections to the records of the meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS:

(a) REPORTS SUBMITTED BY STATES PARTIES IN ACCORDANCE WITH ARTICLES 16 AND 17 OF THE COVENANT (agenda item 6) (continued)

Second periodic report of Japan (continued) (E/1990/6/Add.21 and Corr.1; E/C.12/CAWAP/1; E/C.12/Q/JAP/1; E/C.12/2001/NGO/2-4; HRI/CORE.1/Add.111; written replies to the list of issues prepared by the Government of Japan (document without a symbol))

1. At the invitation of the Chairperson, Mr. Amano, Ms. Aoki, Ms. Asada, Mr. Beppu, Mr. Haraguchi, Mr. Inoue, Mr. Izumi, Mr. Kawai, Mr. Mori, Mr. Morimoto, Mr. Saito and Mr. Sakai (Japan) resumed their places at the Committee table.

Articles 6-9 of the Covenant (continued)

2. Mr. TEXIER asked why Japan had not ratified International Labour Organization (ILO) Conventions Nos. 105, 111 and 138 concerning the abolition of forced labour discrimination in employment and occupation and the minimum age for admission to employment, respectively. With regard to the latter he was aware that the minimum age for employment in Japan corresponded to that in the ILO Convention. According to official figures unemployment currently stood at around 4.8 per cent, but some sources reported figures as high as 15 per cent. He sought clarification in that regard. What was the effect of economic reform and more flexible employment conditions on the unemployment situation? Apparently there was a tendency to dismiss employees over the age of 55 who undoubtedly had difficulty in finding another job. According to information received from a non-governmental organization (NGO), a Tokyo district court had recently ruled that employers could freely dismiss staff. That was not in compliance with the provisions of the Covenant, in which Japanese judges clearly required some training. According to the report (E/1990/6/Add.21), the minimum legal wage was not adequate for a worker to support his family. What could be done to remedy the situation?

3. He expressed concern about working hours in Japan. Officially the working day should last no longer than 8 hours, but in practice it was far longer. Apparently it was normal for civil servants to work up to 14 hours per day. Bearing in mind that overtime was not remunerated in Japan and that overwork had an adverse effect on people's health, it was a matter that must be taken seriously. In that connection, what was the role of labour inspectors and were there sufficient numbers of them? How was the universal principle of equal pay for equal work applied in Japan, in practice, and by the courts? Allegedly there were considerable differences in the salaries paid to men and women; also, the part-time work favoured by the latter was paid a lower rate. Civil servants were not allowed to strike in Japan. That was not in compliance with article 8.2 of the Covenant, which provided for restrictions on the right to strike by members of the armed forces, the police or the administration of the State. According to a Supreme Court ruling such a blanket ban on the right to strike was constitutional, thus the provisions of article 8 could not be applied unless the Constitution was amended.

4. Mr. MALINVERNI said he failed to understand why civil servants such as teachers were not allowed to strike. Surely it would be preferable to restrict the right to strike to those civil servants who provided essential services or held positions of authority.

5. Ms. BARAHONA-RIERA said it was reported that a significant number of working women were employed on a part-time basis at their employers' and not at their own request. There were also reports of discrimination in the employment sector against women with children, and in general women had difficulty in gaining access to managerial posts and positions of authority. If there was no system of sanctions against such discrimination, how could equal opportunity in employment for women be guaranteed? What was the minimum pension for women and were all women eligible for a pension irrespective of the type of work they had done?

6. Mr. CEAUSU said that, according to the written replies, employers were legally obliged to set a retirement age of 60 or above. A Japanese bank employees' union reported that changes introduced to the pension system would raise the age at which a full pension could be drawn by one year every three years until it reached 65. As the retirement age for bank employees was currently 60, retirees would lose a year's pension, since they would have to wait until the age of 61 to draw it. The same union also complained of the practice of reducing salaries by more than 35 per cent when employees reached the age of 55. What did the Government intend to do to prevent those employees from forfeiting part of their pension and income?

7. Mr. IZUMI (Japan), replying to a question put at the previous meeting, said that the total number of national civil servants was 1,143,000; whereas there were 3,325,000 local civil servants. Five hundred and seven thousand national civil servants were members of the national staff agency.

8. Mr. MORIMOTO (Japan), replying to a question on the number of Koreans living in Japan, said that there were currently around 500,000 with the status of special permanent residents and a further 600,000 registered as foreign residents. Another 100,000 had come to Japan fairly recently either to study, seek employment or enter into marriage.

9. Mr. SAITO (Japan), responding to questions on the employment of the disabled, said that the current employment rate of the disabled in the private sector was 1.49 per cent. The target of 1.8 per cent had not yet been reached. The Government would pursue its efforts to promote their employment.

10. Mr. IZUMI (Japan), referring to a query about restrictions on the employment of the disabled in different sectors, said that in June 2001 the Government had surveyed 41 of the 63 categories of employment. In August 2001 measures had been introduced to promote the employment of the disabled in certain categories of employment. The survey of the remaining categories of employment would be completed with a view to lifting unnecessary restrictions by the end of 2002.

11. Mr. SAITO (Japan) said that the minimum wage system was universally applicable, including to the disabled. However, sometimes severe disabilities hindered normal conditions of employment. Such matters were examined by the regional authorities on a case-by-case basis to ensure that the disabled persons concerned earned a decent living.

12. With regard to the statement in paragraph 77 of the report to the effect that annual paid holidays were not likely to be taken in full, since workers tended to save them for emergencies and illness, he acknowledged that paid holidays were not the same as sick leave. However, not all Japanese took full advantage of their paid holidays, although the Government encouraged people to take as many rest days as possible.

13. Mr. IZUMI (Japan), commenting on Japan's position vis-à-vis various international conventions, said it had already acceded to ILO Convention No. 138 on the minimum age for admission to employment. ILO Conventions Nos. 105 and 151 on the abolition of forced labour and employment in public service respectively had not been ratified, pending a review of their compatibility with domestic legislation.

14. With respect to the Convention on the Reduction of Statelessness, he said Japan's position was that persons born abroad who had become stateless must be granted nationality. The system for granting nationality was based on the principle of lineage. Since under domestic law refugees were guaranteed certain basic rights, including the right to primary education and social security, the Government recognized the need to accede to the Convention relating to the Status of Refugees.

15. Mr. SAITO (Japan), responding to a query on economic restructuring and its effect on employment, said that one of the Government's priorities was to promote stable employment. In August 1999 a basic plan for employment had been drawn up to provide guidance for employers. The relevant government departments were coordinating efforts for the implementation of the plan with a view to stabilizing employment.

16. The minimum wage system was not applicable to civil servants. Regional minimum wages were set in different regional prefectures for each industrial sector.

17. Mr. BEPPU (Japan) said that there was no possibility of renewing the 1969 Law on Specials Measures for Dowa Projects. Over 30 years more than 13 billion yen had been spent in implementing measures to improve their living environment in the Dowa district. Since the special measures had applied only to those living in that district, it had been felt that they discriminated against people living elsewhere. In view of the increase in the population in the areas surrounding the Dowa district, it had been decided that, as of the end of March 2002, when the 1996 Law expired, further measures would simply be implemented as and when required.

18. Mr. SAITO (Japan), responding to queries on the pension system, said that disabled people were eligible for a pension at the age of 20, provided that they were certified as disabled and had paid the requisite amount in contributions. There was no minimum pension as such, the pension received depended on the level of contributions paid. The basic old-age pension for a

couple was 134,000 yen per month. According to a 1998 household survey that amount should be enough to cover a couple's basic expenditure on food, clothing and other items including insurance and medical care. There was no gender discrimination in the sense that both men and women who had paid contributions were eligible for a pension. With more women now working the question arose as to whether the pension scheme should be revised. Changes introduced in 2001 had been the subject of much debate - their intent was not to leave beneficiaries worse off but to improve the overall system. The age of entitlement to a full pension was to be progressively raised from 60 to 65, in two different phases, between 2001 and 2025, to take account of greater life expectancy. Appropriate accompanying measures would be adopted for the pensioners concerned. The ratio of social security expenditure to GDP in Japan was comparable to that in Western European countries. With greater life expectancy and falling birth rates the burden of social security expenditure was likely to increase. It was therefore important to have a sustainable system in place.

19. Mr. IZUMI (Japan), responding to comments on wage differences, said that staff associations at the local government level issued recommendations on acceptable wage levels. In the absence of such associations, local governments set wages in line with national standards for comparable work in the private and public sectors.

20. Mr. MORIMOTO (Japan) said that in cases of alleged unfair dismissal the legal precedent was the 1975 Supreme Court ruling overturning employers' right of dismissal where it was not justified. In deciding on the fairness of dismissal a variety of factors, such as the need to reduce staff numbers, would be taken into consideration.

21. Mr. SAITO (Japan) said that there was no minimum pension level established specifically for women. It was true that the wages of bank employees decreased after the age of 55. Wage rates would be an important factor, as the retirement age gradually increased. Wages were negotiated between labour and management, with advice from the Government.

22. With regard to the right to strike, public servants were considered to provide essential services and were not allowed to strike. The working conditions of teachers were guaranteed by staff committees at local level. Fire fighters were treated like the police, since, following the separation of the two services in 1948, they had retained a high level of authority for law enforcement. The Government had ratified ILO Convention No. 87 on freedom of association and protection of the right to organize and, in 1996, the ILO Committee of Experts on the Application of Conventions and Resolutions had welcomed the Government's report on its application of that Convention. The Government had no plans to change its policy in respect of article 8 of the Covenant, on trade union rights.

23. Mr. IZUMI (Japan) said that, in 1999, average overtime had been 29.5 hours per week, whereas government employees had averaged 40.9 hours in overtime. The average overtime of employees other than government employees had been 28.5 hours. Various steps were being taken to reduce overtime, including allowing all employees to go home at a set time on a certain day of the week. It was expected that increased use of information technology would also reduce working hours.

24. Ms. ASADA (Japan) said that equal employment opportunity was enshrined in law, and sex discrimination, particularly discrimination against working mothers, was prohibited. Disputes concerning sex discrimination were settled through arbitration set in motion at the request of the injured party. Less than 36 per cent of women workers worked part time, defined as less than 35 hours per week.

25. Mr. IZUMI (Japan) said that some of the questions raised by members of the Committee regarding "wartime comfort women" had already been discussed by the Human Rights Committee. In 1995, on the fiftieth anniversary of the end of the Second World War, the Prime Minister had expressed sincere apologies to the former "wartime comfort women". At the time of the launching of the Asian Women's Fund, established to make atonement to the women concerned, the Prime Minister had sent letters of apology to each of the former "wartime comfort women" in the Philippines, the Republic of Korea and Taiwan. With regard to compensation for individuals, the Government had fulfilled its obligations under the San Francisco Peace Treaty and other treaties. The right of individuals to seek compensation had been respected, and the matter had been settled. The Government nevertheless continued to recognize its moral obligations and had contributed 560 million yen to the Asian Women's Fund to be used for projects in favour of the former "wartime comfort women". Information and materials relating to "wartime comfort women" were being collected for presentation at symposiums, as well as being available for research purposes. In total, the Government would disburse about 700 million yen for projects by the Asian Women's Fund over a five-year period.

26. With regard to disclosure, public documents were open to the public. Documents relating to individuals were, however, subject to the right of privacy.

27. Ms. AOKI (Japan) said that, although it was left to the authors of textbooks to decide to what extent the history of "wartime comfort women" was to be covered, a total of 25 out 26 high school history books dealt with the issue.

28. The CHAIRPERSON invited members of the Committee to ask follow-up questions.

29. Mr. GRISSA said that the San Francisco Peace Treaty had been concluded between Governments, and he questioned whether such a treaty could put an end to claims for individual compensation.

30. Mr. CEAUSU, referring to the question of pensions, asked whether there might be a gap in coverage between the date of retirement and the date on which the old-age pension was paid.

31. The CHAIRPERSON said that the Asian Women's Fund was presumably a private entity and she asked whether the Government itself had paid out any compensation.

32. Mr. IZUMI (Japan) said that the Asian Women's Fund was a private entity which paid out "atonement" money, but the Government financed the Fund's operations. Government money was therefore used, in part, to pay compensation.

33. Mr. MORI (Japan) said that pensions were composed of two amounts: a fixed sum plus a payment related to the former wage. The fixed part of the pension was paid at the statutory

retirement age. The intention was to increase the statutory retirement age from the current level of 60 years to 65 years by 2013 and subsequently to 69 years by 2035. The 1994 revision of the social security legislation successively delayed the age at which a retiree was entitled to receive the wage-related portion of the pension.

34. Mr. SAITO (Japan) said that, according to Government statistics, unemployment stood at 4.8 per cent. The rate was calculated using standard statistical procedures and criteria recognized by OECD and ILO. The Government could not comment on the suggestion that the rate might be higher.

35. Mr. IZUMI (Japan) said that article 14 (b) of the San Francisco Peace Treaty dealt specifically with individual compensation. The compensation channelled through the Asian Women's Fund was in the nature of the fulfilment of a moral obligation.

Articles 10-12 of the Covenant

36. Mr. ATANGANA asked what steps the Government was taking to reduce family violence, trafficking in women, and corporal punishment of children in schools.

37. Mr. AHMED raised the question of public morality and the lenient attitude towards teenage prostitution. Cases of child abuse had risen five-fold between 1990 and 1995, and consensual sex relations with a 13-year old were not subject to prosecution. He asked what steps the Government intended to take to halt a moral decline that might be connected with the modernization of society.

38. Mr. PILLAY requested clarification of Government practice regarding eviction, as it appeared that the Government did not offer alternative housing in such cases. Claims relating to land or real estate expropriation were dealt with in a summary fashion, and there was no right of appeal, contrary to the guidance embodied in the Committee's General Comments Nos. 4 and 7. He asked whether the Government was planning to adopt legislation to allow for appeals against eviction orders.

39. Mr. MARTYNOV asked whether children born out of wedlock faced social, legal or economic discrimination. He also asked whether the right to housing was enshrined in law. With regard to environmental health, he asked what precautions were being taken to ensure the safety of nuclear power installations, bearing in mind the accident that had occurred in 1987 and the risks associated with such accidents in areas of high population density. Finally, he asked what the Government was doing about violence inflicted by teachers on students.

40. Mr. TEXIER asked whether people of no fixed abode were entitled to social security benefits, and whether the failure to respect the right to an adequate standard of living could be challenged in the courts. The information on evictions appeared to be contradictory; the Government had first stated that there were no forced evictions and then indicated that forced evictions were carried out according to the law. He referred in that context to the Committee's General Comments Nos. 4 and 7. With regard to question 30 on the list of issues, dealing with measures to rehabilitate the victims of the Great Hashin-Awaji Earthquake, he said that it was important for the Government to act in consultation with the people affected by natural disasters.

41. Mr. CEAUSU asked whether, in the light of the delegation's statement that the Land Expropriation Committee decided whether a landowner would be evicted, any legal remedies were available to the latter if the arrangement had not been amicable. Could the landowner request the courts to reverse the eviction order or adjust the amount of compensation established by the Committee?

42. The State party had said that, in the wake of the March 1997 nuclear accident, a survey had been conducted of concentrations of radioactive substances in the sea, the results of which had been transmitted to the Nuclear Safety Commission, which had determined that the levels of radiation recorded posed no danger to the environment or human health. Why had the survey results not been publicized? Had they been sent to the International Atomic Energy Agency, of which Japan was a member State?

43. Mr. RIEDEL said that although the delegation claimed that there were 20,400 homeless in Japan, not only had other sources put the number much higher, but on a recent visit he had been distressed to observe large numbers of homeless in the Osaka area, as well as in Kobe and Tokyo, living in appalling conditions on street corners or in parks or unsheltered car parks, an astonishing state of affairs for a highly industrialized country. Some 10 per cent of them suffered from tuberculosis and, although they received treatment, it was either too late or they were subsequently returned to the streets, where the vicious circle resumed. Despite the efforts of the Osaka authorities, some of the homeless lacked the strength or will to start again, while others were unemployable. How did the Government plan to address the problem?

44. It was also alleged that, having no fixed address, homeless persons could not receive their basic allowances. It was unsatisfactory that charitable organizations needed to serve as mailboxes for them. What benchmarks could the delegation offer the Committee for verification during consideration of the third periodic report?

45. Mr. WIMER ZAMBRANO asked whether the plans to develop housing for the needy were subject to public housing criteria as in other countries, where the number of square metres was determined by law. What was Japanese policy in that regard?

46. Mr. TSUNAKI (Japan) said that, while conjugal violence was a criminal offence, there was no adequately enforceable law. Men were not always aware that they were committing a crime, and continued to undermine the personal dignity of women. However, a law on conjugal violence would come into effect in October 2001 to give statutory support to the counselling and protection offered by the spousal violence support centres. First offenders were subject to a six-month restraining order and required to leave the conjugal home within two weeks of the offence. Violation of such order was subject to a fine not to exceed ¥ 1 million or a prison sentence of up to one year. Education and training were also provided for offenders and victims alike. The Gender Equality Bureau and the local municipalities would be responsible for enforcing the legislation.

47. Mr. AMANO (Japan) said that enforcement by the police had already increased in 2000, with the arrest of 134 men for spousal murder and 196 for conjugal abuse or injury. He acknowledged the importance of adequate enforcement of the law on spousal violence. The Women's Consulting Office assisted women and children and provided them with temporary protection. More permanent protection was available through the support centres, which would be endowed with better-trained staff and improved medical facilities.

48. Mr. ASADA (Japan), referring to prostitution among girls, said that men who used the services of girls under 18 years of age were prosecuted. Under the Law for Punishing Acts Related to Child Prostitution and Child Pornography and for Protecting Children, 985 arrests had been made in 2000, and 654 during the first half of 2001. The number of arrests of girl prostitutes in 2000 had been 4,130 as opposed to 4,475 in 1999, posting a small decline.

49. Mr. AMANO (Japan) said that, under the Anti-Prostitution Law, the authorities endeavoured to identify vulnerable women, and guidance centres gave protection and psychological care to victims.

50. Mr. SAKAI (Japan) said that although the Government implemented awareness-raising and other programmes for protecting children from abuse, the main problem encountered by the police was the inability to identify the perpetrators because such offences were rarely reported. Reported cases were fully investigated and a corps of 14,000 child-rights volunteers provided assistance.

51. Mr. AOKI (Japan) said that corporal punishment was prohibited in schools, and training sessions were organized to encourage teachers to find alternative methods of punishment. If such acts were reported, the Board of Education conducted a thorough investigation and determined the appropriate penalty, which each regional education committee must enforce. To date, 387 people had been thus penalized. Where bullying or violence by other pupils was concerned, the Ministry of Education, Culture, Sport, Science and Technology guaranteed that both victims and offenders continued their education.

52. Mr. KAWAI, referring to questions concerning housing, said the Government had begun implementation of its eighth comprehensive five-year housing construction plan since 1966, which obviated the need for legislation on the matter. The specific target for private housing was a minimum of 39 square metres for a family of three and 50 square metres for a family of five. The current plan would run until 2005, at which time the criteria would be revised.

53. Public housing, which was provided to those in the bottom 40 per cent income bracket, was the responsibility of the municipalities. Government assistance to the municipalities took the form of a subsidy amounting to one half of the difference between the rent paid by the tenant and the market rental value of the property. Living space specifications were laid down by the Ministry of Land, Infrastructure and Transport, and ranged from a minimum of 19 to a maximum of 80 square metres.

54. Due consideration was given to housing rights in Japan. Land expropriation for the construction of dams, roads and power plants was governed by law, but it was the Land

Expropriation Committee that decided on the modalities. The landowners and tenants affected were invited to public hearings, at which they could air their views. They could appeal against the Committee's decision to expropriate, and were entitled to compensation.

55. Mr. IZUMI (Japan), referring to the Committee's General Comment No. 7 on the right to housing, said that in the event of eviction compensation was granted as far as resources permitted. There were many circumstances in which persons could become homeless, but the authorities could not intervene in private matters. Expropriation of land was conducted in accordance with economic, social and cultural rights, and owners were protected by law.

56. Regarding the evacuation of the Utoro district of Uji in Kyoto Prefecture, he explained that there was an ongoing dispute between the residents and the real-estate developers, in which, under the Civil Code, the Government could not intervene. However, it indirectly supported the negotiations between the two parties. The municipality was doing what was necessary with regard to the water supply and infrastructure. An urban-planning design would shortly be submitted, and the Government would be prepared to give whatever help it could with its execution.

57. Mr. MORIMOTO (Japan) said that although children of unmarried parents were illegitimate, they enjoyed the same rights to basic services as legitimate children. Under the Civil Code, legitimate children bore the surname of their parents, whereas, by mutual agreement, an illegitimate child could bear the name of either parent. In an effort to protect the concept of "family", an illegitimate child's inheritance could be only half that of a legitimate child. All relevant information, such as gender and parents' civil status, was supplied at the time a birth was registered to enable the authorities to determine whether infants had been recognized by their fathers.

58. In the event of divorce, custody of a legitimate child could be granted to both parents or to either. On separation of the parents of an illegitimate child, custody was usually granted to the mother, with whom the relationship was considered to be more stable.

59. Concerning the accident in September 1999 at the Tokai reprocessing plant, he said that the uranium fuel plant monitoring committee had issued a report as early as December 1999 which had been made public. He did not know whether the International Atomic Energy Agency had produced a report on the incident.

60. Regarding the Hanshin-Awaji earthquake, he said that some 70,000 dwellings has been destroyed, and 60,000 families had had to be relocated. Both the local and central governments had provided those families with temporary shelter or assigned them existing housing, priority being given to the elderly, the infirm, single mothers with families and the disabled. In the view of the Government, sufficient housing had been provided. There had been no forced relocations.

61. On the issue of the homeless, the latest figures, which were probably incomplete, showed that there were 20,451 such persons, It was rather difficult to say just what the term "homeless" meant. Did it include persons temporarily homeless and housed in a government facility? What

about persons without their own homes? The central and local governments had a liaison committee for the homeless, which had devised measures to be taken. Homeless persons received counselling and support to help them become independent and break the vicious circle in which they found themselves. Job placement measures were also available. Where possible, health-care services were offered, especially in areas with a high incidence of tuberculosis. When homeless persons fell ill, they were provided with free or low-cost treatment. The situation of persons illegally living near roads, in parks or on river banks was always investigated prior to their being relocated.

62. Ms. BARAHONA-RIERA asked for figures on the number of abortions. What measures were taken to prevent unwanted pregnancies?

63. Mr. SADI asked whether Japan would consider exercising extraterritorial jurisdiction in connection with nationals who frequented child prostitutes abroad. He also sought figures on suicides related to school examination stress.

64. Mr. SINGH (United Nations Educational, Scientific and Cultural Organization) commended the Japanese Government for the support it had given UNESCO in the area of education and cultural rights and the great importance it attached to following up on the Dakar Framework for Action as well as promoting education for all, literacy and life-long education programmes.

65. UNESCO underscored the close link between cultural rights and education and the importance of non-discrimination, the rights of minorities, equal educational opportunities and the rights of the child, all topics which had been addressed in the dialogue with the Japanese delegation. The Japanese Government and NGOs had been cooperating closely with UNESCO in promoting a programme of action for education for all, which included literacy measures. It was to be hoped that the dialogue on State obligations under the Covenant and the policy and legal dimensions of the Dakar Framework as they related to implementation of normative instruments would be given greater prominence in the ongoing cooperation between UNESCO and the Committee and in the context of Japan's work with UNESCO.

66. Mr. HUNT asked whether all instruction in public schools was in Japanese. Was it possible for at least some minorities to receive instruction in their mother tongue?

67. There was evidence that the Japanese school system was highly competitive, that many children did not have much time for leisure or play and that that led to excessive stress and developmental disorders. Did the Japanese delegation agree that that was an issue?

68. He asked the Japanese delegation to comment on alleged distortions of Japan's history in school textbooks, which had caused considerable international disquiet.

69. Mr. MARCHÁN ROMERO, referring to the Ainu minority and the right to culture, said that a reading of the country report suggested that Japan did not recognize the Ainu as an

indigenous minority, thereby depriving them of their identity. The law on the promotion of culture provided for cultural activities, but did not take into account economic factors that affected the exercise of cultural rights. He asked whether it was true that, in legislation passed in 1997, Japan had expropriated most of the land of the Ainu community.

70. Regarding intellectual property rights, he referred to paragraph 265 of Japan's second periodic report and the handling of patents resulting from scientific research undertaken at universities. Did Japanese legislation recognize the intellectual property rights of the author, or did it focus on protecting the economic and legal interests of universities and private companies?

71. Mr. WIMER ZAMBRANO asked whether there was a public television channel that was used for educational purposes.

72. Mr. CEASU pointed out that the word "illegitimate" in connection with children born out of wedlock was pejorative and should not be used. Women had a natural right to have children, regardless of whether they were married. Children were legitimate by definition, irrespective of whether or not they were born out of wedlock, because their birth was consistent with the law of nature. It was the task of governments and society to bring human law into line with natural law. The Committee had asked about children born out of wedlock not because it wanted to hear protracted explanations, but because it wanted to make the Japanese Government alive to the need to change attitudes and policies. It was to be hoped that the State party would take steps to amend the relevant policies and legislation accordingly.

73. Mr. MORIMOTO (Japan), replying to a comment on legitimate and illegitimate children, said that his delegation had already explained why the distinction was made. Legal marriage leading to the start of a family was promoted, but children born out of wedlock also needed to be protected. Future action would depend in part on public opinion, which currently called for treating legitimate and illegitimate children differently. There must be an ongoing debate in society and in the Government to come up with appropriate measures.

74. Mr. AMANO (Japan), replying to the question on extraterritorial rights exercised to prosecute Japanese nationals who frequented child prostitutes abroad, said that international police bodies were cooperating with the relevant national authorities, and a number of Japanese nationals had already been arrested in 1999 and 2000. In one case, a Japanese national who had made videos of sexual intercourse with a juvenile and sold it in Japan had been arrested.

75. Ms. AOKI (Japan), referring to the questions on stress associated with school entrance examinations, said that in order to avoid stressful exams, interviews and recommendations from lower-level schools were used as much as possible. Concerning suicides by schoolchildren, in 1999 there had been 163 cases, which was unacceptable. To fight that phenomenon, children should be taught the joys of living and learning respect for life. There were many reports of stress among schoolchildren, who had no time for play or leisure. The school curriculum guidelines had been revised, and, as from 2002, full discretion was to be allowed in terms of free time and learning; classes should be enjoyable, and the content of the curricula was to be greatly

improved. A five-day school week would be introduced as from that date; teachers and pupils would then have more time for other activities. The new guidelines also foresaw a reduction in class size at all levels and further hiring of teachers. School counselling services would be enhanced.

76. Concerning textbooks, she said that the curriculum guidelines gave a certain discretion to the author of a history textbook. The textbooks were reviewed by a screening committee, which monitored academic quality, although it could not rectify passages that it found to be strongly biased or objectionable: that had to be done by the author.

77. As for public television, she said that NHK, the national broadcasting corporation, had an educational channel, and its programmes were used in schools. There was also a so-called "university on the air", in which university-level lectures were broadcast on radio.

78. Mr. INOUE (Japan), replying to the question of the language used at public schools, said that Japanese was the official language; he believed that such was the practice in schools throughout the world. Pursuant to a decision by the municipality, foreign children could be given lessons in their own language and culture on an extracurricular basis. Foreign children in Japanese public schools came from 65 different language groups, and it would be problematic to choose a specific language to be used in school.

79. Regarding the Ainu people, the percentage of such persons attending university was lower than that of the general population. Scholarships or subsidies for purchasing stationery and other essential material were granted to Ainu who did not have the means to attend university. Further steps to improve the educational opportunities of the Ainu people would be taken as required.

80. Mr. ASADA (Japan), referring to a question on abortions, said that the abortion rate had been declining, but recently there had been an increase among girls and young women up to 24 years of age, perhaps because women were marrying younger and did not know about their alternatives or have access to proper contraceptive devices. To deal with that development, public health facilities offered counselling on pregnancy and contraception.

81. Regarding the Ainu people, she said that the Ainu had developed their own culture and language in their ancestral territories, where they had lived since the Middle Ages. But there was no internationally agreed definition of "indigenous people", and thus further study was needed before deciding whether that term applied to the Ainu. A liaison committee had been set up to help improve their economic and social status. Legislation had been introduced to ensure respect for the ethnicity, culture and language of the Ainu people, and measures were being taken to further understanding for the Ainu.

82. Mr. INOUE (Japan), referring to the question on intellectual property rights at universities, said that as legislation had not sufficiently covered the work of academic employees, an effort had recently been made to give greater consideration to the intellectual property rights of such persons.

83. Mr. HARAGUCHI (Japan) expressed appreciation to all members of the Committee for their important comments. The Japanese Government was aware that its efforts had not always been perfect or faultless and that further steps towards realizing the rights set out in the Covenant were required. The fruitful discussion with the Committee provided food for thought for Japan's policy-making. Although some differences of opinion remained between the Committee and his delegation on several issues, the dialogue had contributed to a mutual understanding. The Japanese Government strongly hoped that it would continue to benefit from its constructive relationship with the Committee.

The meeting rose at 6 p.m.